

REMARKS

In the **non-final** Office Action mailed August 31, 2011 the Office noted that claims 1-17 and 19-22 were pending and rejected claims 1-17 and 19-22. Claims 1-17 and 19-22 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 1, 2, 6-8, 11-18, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Coile, U.S. Patent No. 6,108,300. The Applicant respectfully disagrees and traverses the rejection with an argument.

On page 3 of the Office Action, it is acknowledged that:

Coile does not clearly teach the signaling from the first unit to the second unit, however the primary and standby device (as in Fig 3) have communicated with each other to determine the failure of another. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to understand that Coile's invention overcome the limit of signaling from the first to second to protect data in communication.

The features discussed in Coile related to transferring a network function, i.e. performing switch-over, **from a primary network device to a backup (standby) network device.**

The features of the instant independent claims are directed to performing a switch-over **within a data computing device** that can be e.g. a network device. An advantage that is

achieved with the present invention is that the **switch-over within a data computing device can be performed independently of a CPU of the data computing device.**

Applicant acknowledges that Coile presents teachings about signaling **between a primary network device and a backup (standby) network device.**

However, there is a question whether the teaching of Coile would lead a one of ordinary skill to construct a signaling **between units within a single data computing device** in a way defined in the independent claims.

The data computing device of the independent claims takes care of data traffic prior to and also after the switch-over because the switch-over takes place within the data computing device between two of its units. Hence, the data computing device is all the time an active data computing device, i.e. its status is not changed from active to passive or vice versa.

The primary network device mentioned by Coile takes care of the data traffic prior to the switch-over and does not take care of the data traffic after the switch-over. Correspondingly, the backup (standby) network device mentioned by Coile does not take care of the data traffic prior to the switch-over and takes care of the data traffic after the switch-over.

This is due to the fact that, in the switch-over, the

activity is transferred from the primary network device to the backup (standby) network device.

Therefore, the status of the primary network device is changed from active to passive on the switch-over, and correspondingly the status of the backup (standby) network device is changed from passive to active.

There is no teaching that makes possible that the status of a network device would be changed from active to passive or vice versa **independently of a CPU of the network device**, because the CPU controls the operation of the network device as a whole.

The Office provides no art or rationale that describes a situation in which a status of a whole network device, e.g. a router, is changed from active to passive or vice versa independently of its CPU.

The instant independent claims define such a signaling between units of a (single) data computing device that a switch-over can be performed independently of a CPU. This is possible because the status of the data computing device as a whole remains unchanged in the switch-over.

Applicants stress, Coile is related to switch-over between a primary network device and a backup network device, whereas the claimed technical solution is related to performing a switch-over within a data computing device (e.g. a network device) between units of the data computing device. In the case

of Coile, the statuses of the network devices are changing, whereas, in the case of the independent claims, the status of the data computing device that can be e.g. a network device does not change. In the case of Coile, it is inherent that CPUs of the network devices are involved in the switch-over, whereas the independent claims define a switch over that takes place independently of the CPU. Therefore, one of ordinary skill in that cannot arrive at the claimed subject matter in light of the teachings of Coile.

The independent claims recite: a configurable integrated circuit of a first unit [of a data computing device] is arranged to send a signal that signals a need for the switch-over in real time based data communication to a configurable integrated circuit of a protection pair unit [of the data computing device].

There is nothing in the prior art set forth during the proceedings which would teach to arrange the above-described signaling within a data computing device, e.g. within a network device.

Coile's teaching is related to external signaling between separate network devices. In Coile's case, it is inherent that CPUs of the network devices are involved in the switch-over because the statuses of the network devices are changing. Therefore, Coile at least implicitly teaches away from the subject matter of the independent claims which clearly recite

that switch-over is performed independently of a CPU.

Further, Coile is silent how the signaling is arranged within each network device.

For at least the reasons discussed above, Coile fails to render obvious the features claims 1, 13 and 15 and the claims dependent therefrom.

Claims 3-5, 9, 10 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Coile in view of Shabtay, U.S. Patent No. 7,093,027. The Applicants respectfully disagree and traverse the rejection with an argument.

Shabtay adds nothing to the deficiencies of Coile as applied against the independent claims. Therefore, for at least the reasons discussed above, Coile and Shabtay, taken separately or in combination, fail to render obvious claims 3-5, 9, 10 and 22.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being obvious over Coile in view of Blackmon, U.S. Patent No. 7,324,500. The Applicants respectfully disagree and traverse the rejection with an argument.

Blackmon adds nothing to the deficiencies of Coile as applied against the independent claims. Therefore, for at least the reasons discussed above, Coile and Blackmon, taken separately or in combination, fail to render obvious claim 14.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1-17 and 19-22 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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